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## TITLE 29—LABOR CHAPTER IV—CHILDREN'S BUREAU

[Order No. 2]

CHILD LABOR

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DEDIMENTIAL TO THEIR HEALTH OR WELL-BEING

NOVEMBER 27, 1939.

§ 422.2 Motor-vehicle driver and helper.—(a) *Finding of fact.* By virtue of and pursuant to the authority conferred by section 3 (1) of the Fair Labor Standards Act of 1938<sup>1</sup> and pursuant to the regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations";<sup>2</sup> an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age of employment in the occupations of motor-vehicle driver and helper; a report of the investigation having been submitted to the Chief of the Children's Bureau showing that:

"1. Work on motor vehicles involves a high degree of accident risk for persons of all ages, a risk which is particularly high in the case of young persons, who are lacking in the experience and in the caution required for safety in motor-vehicle operation.

"2. Workmen's compensation experience generally shows for the occupational classifications representing motor-vehicle

drivers and helpers a compensation cost higher than the average for manufacturing classifications.

"3. The opinion of experts in motor-vehicle safety and of others having practical experience in the field of motor-vehicle operation who were consulted in the course of the investigation is that employment as driver or as helper on motor vehicles is especially hazardous for young persons.

"4. Motor-vehicle drivers between 16 and 18 years of age have been found to be involved in a larger number of fatal accidents in proportion to miles driven than drivers in any older age group. In a study covering fatal accidents within a 5-year period in one State the fatal-accident rate was found to be nine times greater for 16-year-old drivers and six times greater for 17-year-old drivers than for those 45 to 50 years of age, the age group with the lowest fatal-accident rate.

"5. Under many industry codes adopted pursuant to the National Industrial Recovery Act the work of motor-vehicle drivers and helpers was listed as a hazardous occupation and as such was prohibited for minors under 18 years of age.

"6. Acting pursuant to the authority conferred upon it by the Motor Carrier Act of 1935, the Interstate Commerce Commission has established as necessary for safety a minimum age of 21 years for motor-vehicle drivers, in regulations applicable to common carriers and contract carriers engaged in interstate commerce. An examiner for the Commission has recommended, after investigation and public hearing, that the same minimum age for motor-vehicle drivers be applied, with certain exceptions not here material, to private carriers engaged in interstate commerce.

"7. State legislation, which reflects public recognition of the special hazards incident to the driving of motor vehicles by young persons, has established the following standards:

(a) In each of the States and the District of Columbia there is a legal minimum age for drivers of motor vehicles which is higher than that for general employment, the legal minimum age for drivers being applicable to (1) all persons operating motor vehicles, or (2) persons operating motor vehicles as employees, or (3) persons operating motor vehicles for common, contract, or private carriers.

(b) In 28 States and the District of Columbia there is a minimum age of at least 18 years applicable to (1) all persons operating motor vehicles or (2) persons operating motor vehicles as employees.

"8. A minimum age of 18 years or higher for the employment of motor-vehicle drivers and helpers has been

adopted voluntarily as a general policy by many employers and by the branch of organized labor especially concerned with employment in this field";

a finding and order relating to the employment of minors between 16 and 18 years of age in the said occupations having been proposed for final adoption by the Chief of the Children's Bureau upon the basis of the said report of investigation; a public hearing having been held with respect to the said proposed finding and order; all statements submitted in connection with the said hearing having been carefully considered; opportunity having been given to all interested parties to file objections within 15 days following publication in the *FEDERAL REGISTER*<sup>3</sup> of the proposed finding and order, and no objection disclosing just cause for revision thereof having been received; and sufficient reason appearing therefor,

Now, therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Order.* Accordingly, I hereby declare that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

*Definitions.* For the purpose of this order—

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of his employment, drives a motor vehicle at any time.

(3) The term "helper" shall mean any individual other than a driver, whose work in connection with the transportation or delivery of goods includes riding on a motor vehicle.

This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. This order shall become effective on January 1, 1940, and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT,  
*Chief.*

[F. R. Doc. 39-4403; Filed, November 29, 1939;  
10:14 a. m.]

<sup>1</sup> Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201.  
<sup>2</sup> Issued November 3, 1938, pursuant to authority conferred by section 3 (1) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2640 DI, November 5, 1938.  
<sup>3</sup> 4 F.R. 4549 DI, November 10, 1939.

**TITLE 36—PARKS AND FORESTS  
FOREST SERVICE**

SANTA FE NATIONAL FOREST—BORREGO ALLOTMENT, JEMEZ RIVER DISTRICT, AND BEAR SPRINGS ALLOTMENT, RIO GRANDE DISTRICT

**ORDER FOR THE REMOVAL OF TRESPASSING HORSES**

Whereas a number of horses are grazing in trespass on the Borrego Allotment of the Jemez River District and the Bear Springs Allotment of the Rio Grande District of the Santa Fe National Forest in New Mexico; and

Whereas these horses are consuming forage necessary to domestic livestock, are overgrazing the range, and causing extra expense to established permittees;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of Congress of February 1, 1903 (33 Stat. 628), amendatory of the Act of June 4, 1897 (30 Stat. 11), I, H. A. Wallace, Secretary of Agriculture, do make and publish the following order for the occupancy, use, protection, and administration of the Borrego Allotment of the Jemez River District and the Bear Springs Allotment of the Rio Grande District of the Santa Fe National Forest:

1. The Borrego Allotment of the Jemez River District and the Bear Springs Allotment of the Rio Grande District of the Santa Fe National Forest are hereby closed to the grazing of horses during the period January 1 to January 31, 1940, excepting exempt stock and horses used in connection with permitted or otherwise authorized operations on the Forest or by the traveling public.

2. Unless the horses trespassing on the above-named allotments of the Santa Fe National Forest are removed on or before December 31, 1939, Forest officers are hereby authorized to dispose of them in the most humane manner.

3. Public notice of intention to dispose of such horses will be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Forest is located.

In witness whereof, I have hereunto set my hand this 28th day of November 1939.

[SEAL]

H. A. WALLACE,  
*Secretary of Agriculture.*

[F. R. Doc. 39-4402; Filed, November 28, 1939;  
4:23 p. m.]

**Notices**

**FEDERAL COMMUNICATIONS COMMISSION.**

[Docket No. 5798]

**IN RE APPLICATION OF WILTON HARVEY POLLARD (WBHP)**

Dated, March 25, 1939; for renewal of license; class of service, broadcast; class of station, broadcast; location, Huntsville, Ala.; operating assignment

specified: Frequency, 1200 kc.; power, 100 w., night—100 w., day; hours of operation, unlimited

[File No. B3-R-938]

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical qualifications of the applicant to operate the station.

2. To determine whether on, to wit, August 25, 1937, February 25, 1938, August 13, 1938, and February 10, 1939, the transmitter proper and the associated transmitting equipment of the station were designed, constructed, maintained, and operated in accordance with the provisions of Rule 132, then in force and effect, and the interpretations of good engineering practice issued pursuant thereto.

3. To determine whether on, to wit, August 25, 1937 and February 25, 1938 the antenna tower of the station was painted and illuminated in accordance with specifications supplied by the Commission pursuant to Section 303 (q) of the Communications Act of 1934 as amended and Rule 131, then in force and effect.

4. To determine whether on, to wit, June 12, 1937 and February 9, 1939, the station was operated within limits of 50 cycles per second above and 50 cycles per second below the assigned frequency, in accordance with the requirements of Rule 144 then in force and effect.

5. To determine whether on, to wit, August 25, 1937 and February 25, 1938, the program logs of the station were maintained in accordance with the requirements of Rule 172 A, then in force and effect.

6. To determine whether on, to wit, August 13, 1938, the name and party affiliation of political candidates using the station were entered in the program log pursuant to the requirement of Rule 172 A-b, then in force and effect.

7. To determine whether on, to wit, February 25, 1938, the operating log of the station contained a record of the time of the beginning and ending of programs, in accordance with the provisions of Rule 172 B (b) then in force and effect.

8. To determine whether on, to wit, August 13, 1938, entries were made in the operating log of the station pursuant to the provisions of Rule 172 B (d) then in force and effect.

9. To determine whether on, to wit, February 10, 1939 programs consisting of mechanical reproductions were announced, in accordance with the provisions of Rule 176 then in force and effect.

10. To determine whether on, to wit, August 26, 1939, the transmitter proper and associated transmitting equipment of the station were designed, constructed, and operated in accordance with the pro-

visions of Section 3.46 of the Rules Governing Standard Broadcast Stations adopted by the Commission on June 23, 1939 and the interpretations of good engineering practice issued pursuant thereto.

11. To determine whether on, to wit, August 26, 1939 the correct efficiency factor was used by the applicant in computing operating power by the indirect method, in accordance with the provisions of Section 3.52 of the Rules Governing Standard Broadcast Stations adopted by the Commission on June 23, 1939.

12. To determine whether on, to wit, August 26, 1939 the program logs of the station were maintained in accordance with Section 3.90 of the Rules Governing Standard Broadcast Stations adopted by the Commission on June 23, 1939.

13. To determine whether on, to wit, August 26, 1939 the station was operated in accordance with Section 3.71 (minimum operating schedule) of the Rules Governing Standard Broadcast Stations adopted on June 23, 1939.

14. To determine whether the station at all times has been operated in accordance with the Communications Act of 1934 as amended and the Commission's Rules and Regulations, particularly those governing the maintenance and technical operation of broadcast stations.

15. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Wilton Harvey Pollard,  
Radio Station WBHP,  
318 W. Clinton St.,  
Huntsville, Ala.

Dated at Washington, D. C., November 28, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,  
*Secretary.*

[F. R. Doc. 39-4408; Filed, November 29, 1939;  
12:21 p. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its

## FEDERAL REGISTER, Thursday, November 30, 1939

office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

[File No. 32-159]

**IN THE MATTER OF BRADFORD ELECTRIC COMPANY**

**ORDER RELATIVE TO ISSUE AND SALE OF NOTE**

Bradford Electric Company, a subsidiary of the registered holding company, having filed an application with this Commission pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for the exemption from the provisions of Section 6 (a) of said Act of the issue and sale to the Equitable Life Assurance Society of the United States of a 4% promissory note in the principal amount of \$550,000, which will mature on September 1, 1949;

Public hearing on such application having been duly held after appropriate notice; <sup>1</sup> the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, that the issue and sale of such note be and the same hereby is approved, subject, however, to the following conditions:

(1) That such issue and sale of the note shall be in compliance with the terms and conditions of and for the purposes represented by said application as amended; and

(2) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization by the Pennsylvania Public Utility Commission shall be revoked, or shall otherwise terminate; and

(3) That within ten days after the issue and sale of such note, the applicant shall file with this Commission its certificate of notification showing that the issue and sale of the note have been effected in accordance with the terms and conditions of and for the purposes represented by said application as amended; and

(4) That when all expenses incurred in connection with the issuance of the note shall have been determined, the applicant shall file a detailed statement of such expenses showing the names of the person or persons, entity or entities to whom paid, the amount paid, and a description of the services rendered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-4404; Filed, November 29, 1939;  
11:23 a. m.]

**United States of America—Before the Securities and Exchange Commission**

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1939.

<sup>1</sup> 4 F.R. 4423 D.I.

[File No. 43-1951]  
**IN THE MATTER OF PUBLIC SERVICE COMPANY OF COLORADO**

**SUPPLEMENTAL ORDER ALLOWING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUE AND SALE OF BONDS, DEBENTURES AND COMMON STOCK BY SUBSIDIARY OF A REGISTERED HOLDING COMPANY**

Public Service Company of Colorado, a subsidiary of Cities Service Power & Light Company, a registered holding company, having heretofore filed with this Commission a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance by declarant of \$40,000,000 of First Mortgage Bonds, 3½% Series, due 1964, \$12,500,000 aggregate principal amount of 4% Sinking Fund Debentures due 1949, and \$2,190,000 par value Common Stock; and an application pursuant to Sections 12 (c) and 12 (f) and Rules U-12C-1 and U-12F-1 with respect to the acquisition of outstanding securities being called for redemption in connection with the proposed financing; a public hearing having been duly had thereon, the record in the matter having been duly considered, and the Commission having made its findings and entered an order on August 24, 1939 (Holding Company Act Release No. 1701) wherein the declaration was permitted to become effective; the Commission, however, reserving jurisdiction with respect to underwriting contracts, price and spread, fees and expenses. And the declarant having filed amendments thereafter supplying the additional information concerning the matters heretofore reserved; a public hearing having been held on said declaration, as amended, the declarant having waived the right to submission of a trial examiner's report, submission of proposed findings of fact by the Commission, or by counsel to the Commission, and having further waived any right to file a brief with the Commission and to oral argument prior to the entry of the Commission's findings and opinion and the entry of its order or orders herein, and the Commission having considered the record herein and having filed its findings and opinion and its supplemental findings and opinion herein:

*It is ordered*

(1) That the declaration, as amended, filed by the Public Service Company of Colorado pursuant to Section 7 regarding the issuance and sale of securities in amounts and at interest rates and maturities as follows:

\$40,000,000 3½% First Mortgage Bonds due 1964.

\$12,500,000 4% Sinking Fund Debentures due 1949.

\$2,190,000 Par Value Common Stock.

be and become effective forthwith, subject to the conditions numbered 1 to 5, inclusive in the order of August 24, 1939;

(2) That the application pursuant to Sections 12 (c) and 12 (f) of the Hold-

ing Company Act and Rules U-12C-1 and U-12F-1 thereunder, with respect to the acquisition by the declarant from Cities Service Power & Light Company of various securities being called for redemption in connection with the proposed financing is hereby approved;

(3) In connection with the issue and sale of the securities and the acquisition of securities by declarant for redemption, the following conditions are imposed:

(a) That the various steps involved in the declaration and application be carried out and effected respectively in accordance with the terms and conditions of and for the purposes represented by said application and declaration, as amended; and

(b) That the issue and sale of securities, and the acquisition of securities involved in the declaration and application as amended be consummated within thirty (30) days from the date hereof unless the Commission otherwise orders; and

(c) That within ten (10) days after such issue and sale of the new securities and the acquisition by the declarant of outstanding securities, declarant shall file with the Commission a certificate of notification showing that the acquisition of the old securities and the issuance and sale of the new securities have been effected in accordance with the terms and conditions of and for the purposes represented by said application and declaration, as amended, and in accordance with the terms of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-4405; Filed, November 29, 1939;  
11:23 a. m.]

**United States of America—Before the Securities and Exchange Commission**

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

[File No. 43-273]

**IN THE MATTER OF THE NARRAGANSETT ELECTRIC COMPANY**

**NOTICE OF AND ORDER FOR HEARING**

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 15, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown

why such declaration shall become effective.

*It is further ordered.* That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest

or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 9, 1939.

The matter concerned herewith is in regard to a declaration filed by The Narragansett Electric Company, a subsidiary company of New England Power Association, a registered holding company, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance to banks or trust companies of the declarant's selection, of unsecured promissory notes not to exceed \$5,000,-000 outstanding at any one time at prevailing discount rates with maturities of

nine months or less. The net proceeds of the proposed notes are to be used to pay \$2,600,000 short-term bank loans evidenced by notes presently outstanding, to pay an open account indebtedness of \$500,000 due United Electric Railways Company, an affiliate of the declarant, and to reimburse the declarant's treasury for sums expended in construction work and to provide additional working capital pending proposed permanent financing.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 39-4407; Filed, November 29, 1939;  
12:11 p. m.]

